IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5804 OF 2005

IN

FIRST APPEAL NO. 1239 OF 2006

MADAN GANAPATRAO BABAR ..APPLICANT

V/S

KSHETRAPAL FINANCE PVT. LTD. ..RESPONDENT

S.G. DESHMUKH FOR APPLICANT.

ANILKUMAR PATIL FOR RESPONDENT NO.1.

CORAM : S.K. SHAH, J.

DATE : 10TH APRIL, 2007.

P.C.

1. This application is by the original plaintiff seeking injunction against the Respondent/Defendant from selling, alienating, giving on hire or creating any third party interest in respect of the suit vehicle.

2. In reply the Respondents have stated that the vehicle is in bad shape and therefore it would be

necessary to sell the same. Learned counsel for the Appellant agrees for selling the vehicle, however, requires the respondent to deposit the sale proceeds in the court. Learned counsel for the Respondent states that there is suit for recovery of the loan amount and therefore the amount be allowed to be adjusted in that account. Learned counsel for the Appellant replies that in fact he has paid the amount.

3. At any rate, considering all these aspects, the Respondent is permitted to sell the vehicle and deposit the sale proceeds in the court which will be subject to the final order passed in this Appeal. This would be without prejudice to the rights of the parties to the Appeal. The Application therefore stands disposed of.

(S.K. SHAH, J.)